

Exhibit 18 Supplement Young Deposition

James Young

Pages: 14, 16, 19, 20, 21, 24, 25, 27, 31, 33, 34, 37, 38,
39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56, 57, 58,
59, 60, 66, 73, 74, 77, 79, 82, 83, 84, 85, 91, 92, 101, 102,
103, 104, 105, 106, 107, 108, 109, 110, 111, 112

Dated: December 23, 2020

James Young

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES JOSEPH FREITAG,	:	CIVIL ACTION
JR., as ADMINISTRATOR of	:	
the ESTATE OF CHARLES	:	NO. 19-05750
JOSEPH FREITAG, SR.,	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BUCKS COUNTY; PRIMECARE	:	
MEDICAL, INC.; STEPHAN	:	
BRAUTIGAM, PMHNP;	:	
JESSICA MAHONEY, PSY.D.;	:	
AVIA JAMES, LPC;	:	
CHRISTINA PENGGE, LPC;	:	
JOHN DOES 1-10,	:	
Defendants.	:	

December 23, 2020

Oral deposition of JAMES A. YOUNG,
taken on behalf of the Plaintiff, via
videoconference, on the above date, commencing
at 12:00 p.m., before Linda A. Ricciardi,
Certified Court Reporter.

KAPLAN LEAMAN & WOLFE
COURT REPORTERS
230 South Broad Street, Suite 1303
Philadelphia, Pennsylvania 19102
1-877-559-3376

James Young

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1 A. Negative.

2 Q. By that I mean, just to be clear, any
3 Bucks County employees, supervisors, family
4 members, anybody at all?

5 A. No.

6 Q. You were working on the B module when
7 Mr. Freitag killed himself, right?

8 A. Yes, sir.

9 Q. Is there anything that you could have
10 done to prevent Mr. Freitag's death?

11 A. I am sure there is a lot of things
12 everybody could have done to do that, but me
13 personally, negative.

14 Q. Well, what other things could have been
15 done to prevent Mr. Freitag's death?

16 A. Probably him not going to jail.

17 Q. Are you suggesting that the fact that
18 Mr. Freitag ended up in jail is what lead to
19 his death?

20 A. I know it lead to some mental questions
21 in his head.

22 Q. Did you know anything about Mr. Freitag
23 before the morning of August 25th?

24 A. Negative. I knew he was a model A

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1 his arrest.

2 Q. So it sounds like you learned after the
3 fact that Mr. Freitag had some mental health
4 issues; is that right?

5 A. I would say mental health and suicidal
6 tendencies.

7 Q. You did not know that beforehand; is
8 that right?

9 A. That is correct.

10 Q. Let's get back to what others could
11 have done to prevent his death. The first
12 thing you told me is that Mr. Freitag could
13 have tried to stay out of jail, right?

14 A. Probably the easiest way for anyone not
15 to commit suicide in jail is to stay out of
16 jail.

17 Q. Is there anybody else in the prison who
18 could have prevented his death?

19 A. I don't think so. Negative, no, I
20 don't think so.

21 Q. Did you ever hear anyone say that they
22 could have done something to prevent his death?

23 A. In his personal situation, if anybody
24 could have helped him that day?

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1 Q. You don't believe any of the officers
2 who were involved in this case should be blamed
3 for anything; is that right?

4 A. That's right.

5 Q. I take it you believe that none of the
6 other mental health providers who work in the
7 prison should be blamed for anything; is that
8 right?

9 A. I don't know where they stand, that is
10 not my department. My department is Department
11 of Corrections.

12 Q. The only person who is responsible for
13 Mr. Freitag's death is Mr. Freitag for getting
14 himself locked up; is that right?

15 A. It all comes down to it.

16 MR. KOLANSKY: Is the deposition
17 over?

18 MR. FEINBERG: It is not.

19 BY MR. FEINBERG:

20 Q. Mr. Young, would you agree that as an
21 officer in the Bucks County Correctional
22 Facility you have a responsibility to ensure
23 the protection of prisoners who are under your
24 supervision?

James Young

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1 A. Absolutely.

2 Q. How do you do that?

3 A. Visual, my ears, word of mouth, walk
4 around my block, knowing my inmates.

5 Q. Did you do that on August 25, 2018?

6 A. I did it that day, and I do it every
7 day, sir.

8 Q. There is not a single thing that you
9 could have done differently that day; is that
10 correct?

11 A. When you are watching 92 people between
12 two of you and two floors, and you got, you
13 know, let's say at that time we brought yard
14 in, at that time medication was on its way,
15 there is a lot of things going on at once.

16 Q. So your answer is yes?

17 A. Can you repeat the question?

18 Q. Sure. There is not a single thing you
19 could have done differently, correct?

20 A. No.

21 Q. The way I asked you the question, I
22 think we are talking about the same thing,
23 let's make sure the record is clear.

24 A. All right.

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1 Q. Am I correct, yes or no, that there is
2 not a single thing you could have done
3 differently?

4 A. As my job duties for that day?

5 Q. Correct.

6 A. It is an open ended question. I could
7 have called out that day and wouldn't have
8 experienced any of this.

9 Q. Really, sir, I am trying to ask which
10 should be a simple yes or no question, and
11 maybe I am not doing a good job. Let me try
12 again. Are you saying to me that on that day,
13 August 25, 2018, there was nothing different
14 you could have done?

15 A. No.

16 Q. No, there is nothing different you
17 could have done?

18 A. Nothing I could have done.

19 Q. All right, thank you. You are a
20 correctional officer; is that correct?

21 A. That's correct.

22 Q. How long have you had that job?

23 A. Ten years.

24 Q. 2010?

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1 Q. Yeah. Let's confirm, you have been in
2 corrections as your field of employment for ten
3 years; is that correct?

4 A. Yes, sir.

5 Q. Have you ever sought a promotion at any
6 time during your work at Bucks County?

7 A. Negative.

8 Q. Have you ever left a job at Bucks
9 County for anything other than vacation or
10 personal leave?

11 A. Negative.

12 Q. Have you ever had any part-time jobs
13 while you were working at Bucks County?

14 A. My wife did DoorDash twice.

15 Q. You said DoorDash?

16 A. Yeah, she did DoorDash, I sat in the
17 car, that is about as part time as I can get.

18 Q. Were you ever sued before this case?

19 A. Negative.

20 Q. Have you ever sued anyone else?

21 A. Negative.

22 Q. Have you ever been disciplined on the
23 job in Bucks County?

24 A. Negative.

James Young

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1 Q. What I mean by discipline, I think you
2 know what I mean, just to be sure, have you
3 ever been disciplined for any violation of
4 prison rules, any misconduct, anything like
5 that?

6 A. Negative.

7 Q. Have you ever observed any other
8 officer at Bucks County violate any rule?

9 A. Violate any rule, what rule, prison
10 rules?

11 Q. Yeah.

12 A. I do not recall that.

13 Q. Have you ever reported any other
14 officer for violating a prison rule, engaging
15 in misconduct, anything like that?

16 A. Negative, absolutely not.

17 Q. What are you suppose to do if an
18 officer engages in misconduct?

19 A. I don't know, what are you suppose to
20 do?

21 Q. That is what I am asking you. If you
22 see an officer beat up a prisoner for no good
23 reason -- first of all, has that ever happened?

24 A. Negative.

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1 A. I have it, but I don't use it.

2 Q. Any others, Twitter, anything like
3 that?

4 A. No, I don't know how to do Twitter.

5 Q. Let's talk more specifically about your
6 duties at Bucks County. Officer Moody told me
7 in his deposition that back in 2018 you were
8 typically assigned to the B housing module; is
9 that right?

10 A. That is correct.

11 Q. Are you still in that -- oh, no, you
12 are not in that position anymore, right?

13 A. That's correct.

14 Q. What do you do now?

15 A. I am a five day SA. I have recently
16 been given the opportunity to do video court
17 with four other co-workers.

18 Q. For how long were you in that B module
19 responsibility?

20 A. Almost nine years.

21 Q. What shift did you typically work on?

22 A. 6 to 2.

23 Q. Did you ever have overtime shifts?

24 A. Yes.

James Young

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1 they call them, would be on another unit.

2 Q. One of the numbers that you mentioned
3 were people on watch. At any given time how
4 many people tended to be on watch on B module
5 back in August of 2018?

6 A. I would say it could be anywhere from
7 zero, typically kept it under 10, so zero to
8 nine.

9 Q. That is something that you would pay
10 attention to, from the moment you got in at the
11 start of the shift, right?

12 A. Sure.

13 Q. You were explaining to me how the shift
14 would start. Tell me what does the rest of the
15 shift look like?

16 A. Eventually we would open them, we would
17 run them to chow, come back from chow, close
18 the dayroom down until they got done with their
19 cleaning and stuff like that, and then just
20 normal duties, 9 o'clock one tier would come
21 out for yard till 11, 11 o'clock everybody
22 would come out, 12:30 was count, 1 o'clock the
23 other tier would come out from 1 to 3.

24 Q. How many officers were typically

James Young

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1 before on the B module?

2 A. Probably on Bravo, probably on other
3 blocks also.

4 Q. Did you get along with Officer Moody?

5 A. Yes.

6 Q. Never had any problems with working
7 with him?

8 A. Negative.

9 Q. You feel like you had a good working
10 relationship?

11 A. Yes, sir.

12 Q. When you and another officer were
13 assigned together to B module would you have a
14 natural division of responsibility, one officer
15 does this, the other officer does something
16 else?

17 A. Yes, sir.

18 Q. How did that work, can you give me an
19 example?

20 A. The most senior officer normally would
21 be downstairs, the junior officer would be
22 upstairs. So each day you draw teams somebody
23 gets the, they call it the top tier keys, the
24 second set where the main set is always down on

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1 the block.

2 Q. To be downstairs versus be upstairs,
3 explain what that means to me, please?

4 A. Just I wouldn't say different
5 responsibilities but maybe different areas of
6 responsibilities.

7 Q. So if you are the downstairs officer
8 then you have a list of things you are going to
9 do on your shift, if you are the upstairs
10 officer you are going to have a different set
11 of things; is that right?

12 A. I expect the guy that is downstairs to
13 open the door and answer the telephone, respond
14 to things like that, where the individual
15 upstairs he wouldn't have to, we would hope he
16 wouldn't have to go downstairs if he has to
17 open the door, if somebody is at the door, so
18 responsibilities like that.

19 Q. I have seen some video from the housing
20 unit, and it looks like there is a desk or a
21 podium?

22 A. Yes, sir.

23 Q. Right by the door; is that correct?

24 A. Yes, sir.

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1 BY MR. FEINBERG:

2 Q. Have you seen documents that look like
3 this, I am highlighting the text here, Bucks
4 County Department of Corrections standard
5 operating procedures and guidelines?

6 A. Yes.

7 Q. If you needed to look at a Bucks County
8 policy you would be able to locate them; is
9 that right?

10 A. Yes.

11 Q. This one is suicide prevention program.
12 Have you seen this policy before?

13 A. Yes, sir.

14 Q. There is text here that is highlighted,
15 which I will read to you. I just want to ask
16 you whether these are principals that you are
17 familiar. This is from the policy. Inmates
18 may become suicidal at any time during their
19 incarceration. I will stop there. Do you
20 agree, are you familiar with that principal?

21 A. Inmates may become suicidal at any time
22 during their incarceration, yes.

23 Q. That is something you are aware of,
24 right?

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1 A. I am sure everybody in the world is
2 aware of that.

3 Q. Suicidal behavior is more likely at
4 critical periods of time, including commitment,
5 the first several days thereafter, court
6 hearings, sentencing. Have you heard that
7 before, that it is specific times during court
8 proceedings that may be an enhanced risk of
9 suicidal behavior?

10 A. It makes sense.

11 Q. So it sounds like you are talking to me
12 about your common sense. Have you heard from
13 your supervisors, mental health providers that
14 that is a commonly understood principal?

15 A. I would say so, yes.

16 Q. To your knowledge is there any policy
17 or rule about providing a mental health
18 evaluation for a prisoner when they come back
19 from sentencing at court?

20 A. That I do not know of.

21 Q. Have you ever heard anything about a
22 requirement that a prisoner who receives a
23 state sentence to be placed on level 2
24 precautions?

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1 A. I have heard that now.

2 Q. When do you remember hearing that for
3 the first time?

4 A. Probably in a roll call one morning.

5 Q. Do you remember when that was?

6 A. Negative, I do not.

7 Q. I heard what you said, but let me just
8 pose this additional question. Do you know or
9 have you ever heard that that rule, level 2
10 precautions for someone receiving a state
11 sentence, was connected in any way to Mr.
12 Freitag's case?

13 A. I do not recall if it was connected to
14 Mr. Freitag's case.

15 Q. Sir, this may be obvious, would you
16 agree that, we may have covered this already,
17 one of your most important jobs as a
18 corrections officer is to protect prisoners
19 under your custody?

20 A. Yes, I would agree with that.

21 Q. It sounds like that is something you
22 take pretty seriously; is that right?

23 A. Yes.

24 Q. There are rules in place which tell you

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1 what you need to do to protect a prisoner in
2 your custody; is that right?

3 A. Yes.

4 Q. One example if you find a prisoner with
5 a weapon in his hands or an item that can be
6 used as a weapon you got to take it away from
7 him, right?

8 A. I would imagine you would have to take
9 it away, whether it would be you or you get a
10 team of four with a supervisor to take that
11 weapon away.

12 Q. The bottom line is this, if you find
13 out that a prisoner has a weapon you are not
14 just going to let it go and not do anything
15 about it, right?

16 A. That's correct.

17 Q. You have to act to protect the safety
18 of that person, other prisoners, yourself and
19 your fellow staff; is that right?

20 A. Absolutely.

21 Q. That is the bottom line rule about how
22 to operate as a correction officer; is that
23 right?

24 A. If you don't want to get hurt before

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1 see level 3?

2 A. Yes.

3 Q. Do me a favor, just read to yourself
4 from that whole description of level 3, when
5 you are finished I will ask you some questions.

6 A. Okay.

7 Q. Does this -- first of all, is this news
8 to you or were you aware of what is required
9 here for level 3?

10 A. No, I just don't know what the numbers
11 are.

12 Q. So have you ever heard level 3 referred
13 to as regular watch?

14 A. Yeah, it is the regular watch.

15 Q. So your understanding then is that
16 under regular watch next to B, I am going to
17 highlight this, the inmate monitor is required
18 to observe the person's activities every 15
19 minutes, right?

20 A. Sure.

21 Q. They log them on the monitor forms; is
22 that right?

23 A. That is what they are suppose to do.

24 Q. Let me stop there. You say they are

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1 suppose to, have you ever heard of inmate
2 monitors not doing their jobs?

3 A. So they are paid \$3 a day to stand in
4 front of somebody's door and mark down whether
5 they are sleeping, eating, pooping. Imagine
6 what \$3 a day gets you.

7 Q. Well, if you and I were having a beer
8 and having a conversation I would understand
9 what you are saying, but we are not, we are on
10 the record in a formal deposition proceeding,
11 so I am going to ask you to answer the
12 question.

13 Have you ever seen situations where an
14 inmate monitor has not done his job?

15 A. Yes.

16 Q. If that happens and you are aware of it
17 what do you do?

18 A. I would take over the paperwork for him
19 because he is using the bathroom let's say on
20 one occasion.

21 Q. Well, let me make sure I understand.
22 If an inmate monitor is not doing what he is
23 suppose to do then, you will take over the
24 paperwork and do those 15 minute watches, is

James Young

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1 that what you are saying?

2 A. Sometimes they have to go to D and A,
3 mental health, the dispensary, we would either
4 sign it to another inmate or take the watch for
5 a couple minutes while he is gone.

6 Q. Thank you, that confirms what I think I
7 understand you to be saying. If an inmate
8 monitor is not able to do his job or is not
9 doing his job then it is your responsibility to
10 take over; is that right?

11 A. That is negative. You are not taking
12 over anything, you usually assign it to another
13 inmate.

14 Q. Let me ask it a different way. Would
15 you agree with me that it is your job that at
16 least someone is fulfilling the responsibility
17 of monitoring a person on regular watch every
18 15 minutes?

19 A. In a perfect world, yes.

20 Q. That is what the policy requires,
21 right?

22 A. In a perfect world that policy works.

23 Q. It is your understanding that that is
24 what is expected of you as an officer; is that

James Young

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1 right?

2 A. I assume.

3 Q. In addition to the inmate monitor, you
4 have a responsibility here next to the letter C
5 to look in the cell every 30 minutes; is that
6 right?

7 A. Yes.

8 Q. Or a period not to exceed 30 minutes;
9 is that correct?

10 A. Yet again, in a perfect world, 30
11 minutes.

12 Q. Would you agree, sir -- let me ask
13 this. Would you agree, sir, under these rules
14 every hour, let's say right now it is 12:45
15 p.m., if you were on the block and someone was
16 on regular watch under this policy between 12
17 p.m. and 1 p.m. if a prisoner is on regular
18 watch you would expect him to be seen as part
19 of that watch six times; is that correct?

20 A. How many times?

21 Q. Six times.

22 A. Six?

23 Q. Two by the officer, right?

24 A. Yes.

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1 Q. Four by the inmate monitor, correct?

2 A. Correct, in a perfect world correct.

3 Q. In a perfect world as you said that is
4 what would happen under the terms of the
5 policy; is that right?

6 A. Absolutely.

7 Q. The implication of your phrase that you
8 used now a number of times, in a perfect world,
9 says to me this is not a perfect world, am I
10 understanding it correctly?

11 A. This is not a perfect world in any
12 means in the building sir.

13 Q. In reality how many times do those
14 watches take place?

15 A. Whose watch, the inmate watch or my
16 watch?

17 Q. Start with the inmate watch. How often
18 do those take place?

19 A. Inmate, normally everybody is out in
20 the dayroom so you can pretty much just look
21 around the room and see everybody, much like
22 us, I see everybody, I know everybody.

23 Q. How often do the officer watches take
24 place, do they take place every 30 minutes like

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1 they are suppose to under the policy?

2 A. They are suppose to.

3 Q. This is well tread territory, we know
4 what is suppose to happen. I am asking about
5 in the real world at the Bucks County
6 Correction Facility, how often do they happen?

7 A. I don't recall.

8 Q. Let me ask you this, has any
9 supervising officer ever said to you, Officer
10 Young, look, we got a problem, you guys are not
11 doing the watches as frequently as you are
12 suppose to?

13 A. I don't recall that either.

14 Q. Has any supervising officer ever said
15 to you, hey Officer Young, the inmate monitors
16 on your block they are not doing their job,
17 they are not seeing people as often as they are
18 suppose to?

19 A. I don't recall.

20 Q. Has any supervising officer ever said
21 to you these inmate monitors are fabricating
22 their forms, they are writing falsehoods down
23 about whether they are seeing people, they are
24 not actually looking in cells?

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1 A. I do not recall.

2 Q. Have you ever seen that happen before?

3 A. I do not recall.

4 Q. Have you ever looked at an inmate
5 monitor form and seen a list of notations of
6 observations and knowing that it was false?

7 A. I do not recall looking at those forms.

8 Q. Do you ever look at those forms?

9 A. Occasionally.

10 Q. You are not suppose to look at them
11 every day?

12 A. You can. Normally the supervisors are
13 suppose to check on those forms.

14 Q. Let's actually look at one more policy.
15 I will show you the policy, understanding that
16 it is not a perfect world, sir. Actually we
17 will come back.

18 How many times has a prisoner attempted
19 to commit suicide on a block that you were
20 working?

21 A. That was the only time.

22 Q. Mr. Freitag is the only time?

23 A. First time I've seen someone kill
24 themselves.

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1 Q. Now, let's distinguish between a
2 completed suicide and an attempt to commit
3 suicide. Have you ever seen anyone try to hang
4 themselves, try to cut themselves where they
5 ended up not dying?

6 A. Not dying?

7 Q. Correct.

8 A. Yes.

9 Q. How many times has that happened?

10 A. In this jail it could happen all the
11 time. People are screaming for help.

12 Q. I am sorry, I was flipping papers, I
13 didn't hear the last portion of what you said.

14 A. What was the question?

15 Q. Can you repeat -- well, forget that.
16 Linda, would you mind reading back the last
17 answer?

18 (Whereupon the court reporter read
19 back from the record.)

20 BY MR. FEINBERG:

21 Q. What do you mean by that?

22 A. It is the holiday season, no one wants
23 to be in jail so a lot of them do superficial
24 things for attention.

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1 make decisions to what level of watch is

2 appropriate, right?

3 A. Sure.

4 Q. When a mental health provider or case

5 manager says this person is on regular watch,

6 your job is to implement that watch to the best

7 of your ability; is that right?

8 A. Yes.

9 Q. Now, back to Exhibit 7. Do you see it

10 in front of you, sir?

11 A. Yes.

12 Q. Going down to page 5. Before I get

13 there, this section of the policy, if you want

14 to read more, tell me, inmate monitor forms.

15 Do you see here next to the letter E is the

16 module officer's responsibility to assure that

17 inmate monitors are using IMF's correctly. Do

18 you see that, sir?

19 A. Yes.

20 Q. Are you aware under this policy that it

21 is your responsibility to do so?

22 A. Yes.

23 Q. Officer, do you agree?

24 A. Sure, yes.

James Young

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1 Q. You mentioned before that sometimes you
2 look at the forms and sometimes it is the
3 supervisor's job, did I hear you right before?

4 A. Their job is to come through the unit
5 and make sure the inmate is doing his job
6 diligently.

7 Q. That is not your job?

8 A. It is one of my jobs, but I am not
9 going to go -- I can't recall, no.

10 Q. You can't recall, sir?

11 A. No, I can't recall.

12 Q. Sir, I am asking you about what you
13 have done over the course of your nine years as
14 a module officer, is it your job or not to make
15 sure the inmate completes the inmate monitor
16 form correctly?

17 A. Like I said, I was the junior officer
18 down there, so probably five days out of the
19 week I was upstairs. When that officer went
20 off the unit I would make sure that they were
21 taken care of, but it was usually senior
22 officer who was downstairs duties to do that.

23 Even though it says module officer,
24 there is two different duties for module

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1 officer downstairs and module officer upstairs.

2 There is never anybody on watch upstairs.

3 Q. Officer Moody told me he has been at
4 the facility since '08.

5 A. Yeah, I think he has been there for 12
6 years.

7 Q. So he is slightly more senior than you;
8 is that right?

9 A. Yes.

10 Q. So when you and Moody were working
11 together on the B module, who was the
12 quote-unquote senior officer?

13 A. I would say Officer Moody.

14 Q. Well, was there any distinction drawn
15 because of the fact that that was your block
16 where you worked every day and he was specially
17 assigned?

18 A. He was visiting that day I would say.

19 Q. So who was responsible for handling the
20 inmate monitor forms that day?

21 A. I don't recall.

22 Q. Did anybody take that responsibility?

23 A. I am sure somebody took that
24 responsibility.

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1 Q. We will come back to that. You would
2 agree then that someone is, in fact,
3 responsible to make sure the inmate monitor
4 forms get filled out completely; is that right?

5 A. It is usually filled out by the 10 to 6
6 cop, the 10 to 6 inmate monitor and then he
7 hands it to the 6 to 2 monitor.

8 Q. I hear what you are saying, sir, but
9 that was an answer that I think was not
10 terribly responsive to my question so let me
11 try a different question.

12 Would you agree that an inmate monitor
13 filling out a form correctly that means that
14 the inmate monitor should actually be looking
15 in the cell when they are filling out the form,
16 right?

17 A. Correct.

18 Q. So, for instance, if an inmate monitor
19 was just sitting in his own cell, sitting on
20 the bed, it would be completely improper for
21 that inmate monitor to say I looked at Mr.
22 Freitag's cell and he is doing fine and put
23 that on the log, right?

24 A. Correct.

James Young

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1 Q. In other words, the inmate monitor
2 forms are suppose to be truthful and accurate;
3 is that right?

4 A. Correct.

5 Q. Would you agree that whether it is your
6 job or some other officer's job, one of the
7 officers on the module is responsible for
8 making sure that the inmate monitor is
9 completing both a full and accurate inmate
10 monitor form?

11 A. Yes.

12 Q. That is basic responsibility that you
13 have been aware of for your entire nine years;
14 is that right?

15 A. Yes.

16 Q. That responsibility is critical to your
17 job to implement the watch procedures that are
18 dictated by mental health or case manager,
19 correct?

20 A. Correct.

21 Q. I want to start talking about Mr.
22 Freitag now, and what you remember about him.
23 Before I do that, though, we have been going a
24 while, do you need a break at all?

James Young

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1 A. Negative.

2 MR. FEINBERG: Any other counsel?

3 MR. KOLANSKY: No, I am good.

4 BY MR. FEINBERG:

5 Q. You said that Mr. Freitag was a model A
6 inmate; is that correct?

7 A. Correct.

8 Q. That is because you had some
9 preexisting contact with him?

10 A. Negative, I didn't know who he was.

11 Q. I am sorry?

12 A. I said I didn't even know who he was on
13 the block, that is how quiet he was.

14 Q. Did I speak over you?

15 A. Negative. Go ahead.

16 Q. How did you make the determination that
17 he was a model A inmate?

18 A. Because I did not know who he was.

19 Q. So someone who you don't know is a
20 model A inmate; is that right?

21 A. He never caused a problem, he never
22 asked any questions, he never asked for
23 anything.

24 Q. You knew nothing about his case; is

James Young

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1 that right?

2 A. That's correct.

3 Q. My understanding is that he was on the
4 B module for probably a couple of months before
5 his death. During that time do you remember
6 him being on regular watch at other times?

7 A. I believe he was on regular watch at
8 other times.

9 Q. If he was on a more intensive watch,
10 level 2 or level 1, would that have taken place
11 on the B module?

12 A. Negative, he would have went to either
13 E or G.

14 Q. I think you told me before that B
15 module cannot house people on that level of
16 precautions; is that correct?

17 A. Correct.

18 Q. Did you ever hear any discussion about
19 Mr. Freitag's mental health issues prior to
20 August 25th?

21 A. Negative.

22 Q. Did you ever hear Mr. Freitag talking
23 about the fact that he was nervous about his
24 sentencing?

James Young

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1 starting at 6 a.m. that appears to be HC. Do
2 you see that?

3 A. Yes, sir.

4 Q. I have looked at other documents, which
5 I will spare you the time looking at, which
6 identified a prisoner by the name of Hugh
7 Caldwell, Hugh, H-U-G-H. Does that name ring a
8 bell to you?

9 A. I think I remember.

10 Q. Was Hugh Caldwell someone who tended to
11 work as an inmate monitor back in this time
12 frame?

13 A. I believe he was.

14 Q. So piecing that together can we assume
15 that Caldwell was assigned as the inmate
16 monitor to look at Mr. Freitag's cell every 15
17 minutes the morning of August 25, 2018?

18 A. Yes, sir.

19 Q. If that is the case can we assume then
20 someone on the B module knew that Mr. Freitag
21 was on a level 3 watch?

22 A. Yes.

23 Q. Let's talk about your recollection of
24 August 25th in finding Mr. Freitag or when Mr.

James Young

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1 watch, who saw him last?

2 A. No, I don't think any type of
3 conversation was like that. Just still shock.

4 Q. At any point did someone put together
5 the fact that Mr. Freitag had been on watch at
6 that time?

7 A. I am sure that it was brought up, I
8 don't know when.

9 Q. Do you remember who brought it up?

10 A. No.

11 Q. Did you bring it up?

12 A. I don't recall if I brought it up.
13 Everything was just so crazy, and then like we
14 were there and then we were gone.

15 Q. At any point do you remember anyone
16 coming and asking you, hey Officer Young how
17 did this happen, he was suppose to be on watch?

18 A. I don't think anybody asked us that.
19 Maybe not until we got to the detectives. I
20 don't even think they asked it.

21 Q. I showed you before Mr. Onisick's
22 report summarizing his interview with you from
23 that afternoon, right?

24 A. Yes.

James Young

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1 Q. I will represent to you that that
2 interview report did not reference any
3 discussion of this watch status. I will also
4 represent to you that Mr. Onisick testified
5 yesterday that the memo would have summarized
6 everything that you discussed. So with that
7 background does that sound right, no one ever
8 asked you whether this was a watch?

9 A. At far as I recall. I don't recall if
10 anyone asked that.

11 Q. Do you remember specifically discussing
12 with anyone at any time whether there was a
13 watch?

14 A. I don't recall.

15 Q. Let me show you the Onisick memo one
16 more time. Do you have in front of you Exhibit
17 P-11?

18 A. Yes.

19 Q. You see the Onisick report?

20 A. Yes.

21 Q. I am going to scroll down. In the
22 middle of this page, we are on page 2 now,
23 there is discussion of a timeline, and I will
24 represent to you that this timeline was

James Young

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1 Bravo on 3 cell on Saturday.

2 Q. So you are surprised that Mr. Freitag
3 killed himself, right?

4 A. Ten years on that block I've never seen
5 anything like that.

6 Q. Are you surprised that Mr. Freitag
7 killed himself or are you surprised that he
8 killed himself in that manner?

9 A. I would say in that manner.

10 Q. Is that surprising to you because it is
11 of the gruesome nature?

12 A. I don't know if I was surprised at that
13 or more so that I see a lot of people that do
14 it, and don't go all the way through it, where
15 Mr. Freitag went all the way in, you know, he
16 committed it, he was committed to what he
17 wanted to do.

18 Q. When you say do it, what do you mean?

19 A. Well, I feel like Mr. Freitag was
20 committed to what he wanted to do, the end
21 result, where I see other inmates that will do
22 superficial cuts.

23 Q. We got on this topic because I asked
24 you whether you were surprised about the fact

James Young

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1 Q. Correct. So I am asking you, I never
2 set foot inside the B module at Bucks County
3 Correctional Facility, I am asking you, you
4 spent nine years on that module. Are you doing
5 your job --

6 A. Yes.

7 Q. Are you and your fellow officers doing
8 your job --

9 A. Absolutely.

10 Q. Let me finish the question. You are
11 interrupting me, and again I am not accusing
12 you of being intentional in the way you are
13 interrupting me, I want to make sure the
14 transcript is clear. Are you and your fellow
15 officers doing your job if there is 34 minutes
16 that passes between one check at 10:21 and
17 10:55?

18 A. Yes.

19 Q. Let's clarify, at 10:55 that is not an
20 officer check, right?

21 A. No, that says Inmate Monachelli.

22 Q. Would you agree that just as a basic
23 principal an inmate looking in the cell does
24 not satisfy the responsibility of an officer to

James Young

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1 A. I think so.

2 Q. I am going to play the video, I will
3 ask you to watch the person on the right, see
4 what he does?

5 A. All right.

6 Q. Let's watch just another minute and
7 then we will summarize. Okay, I am stopping at
8 42:02. Let me explain what you saw and tell me
9 if you agree. Would you agree that Mr.
10 Monachelli appears to have just been walking,
11 glancing in the window, and then I think you
12 saw it happen, you kind of explained, he saw
13 something which was clearly disturbing, yelled
14 over to the officers and then Officer Moody
15 approached the cell. Is that accurate, sir?

16 A. Yes.

17 Q. We got on this topic because I was
18 asking you whether Mr. Monachelli glancing into
19 the cell was sufficient to accomplish the
20 responsibility of the officer check onto the
21 level 3 procedure, do you remember how we were
22 discussing that topic?

23 A. Yes.

24 Q. Does Mr. Monachelli glancing in the

James Young

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1 cell like that is that good enough for an
2 officer check?

3 A. No.

4 Q. He is a fellow prisoner just walking by
5 the cell, right, that is not an officer check,
6 correct?

7 A. Yes.

8 Q. At that time you and Officer Moody were
9 standing behind the podium; is that right?

10 A. Yes.

11 Q. Do you have any recollection as to why
12 you and Officer Moody had not completed a check
13 within the 30 minutes following the last check
14 at 10:22 a.m.?

15 A. I don't recall.

16 Q. Would you agree that the fact that you
17 did not complete a check within 30 minutes was
18 inconsistent with your responsibilities under
19 the level 3 watch?

20 MR. KOLANSKY: Objection.

21 BY MR. FEINBERG:

22 Q. You can answer, sir.

23 A. I don't recall.

24 Q. I am not asking about your

James Young

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1 recollection, I am just asking you, do you know
2 what you are suppose to do under level 3 watch,
3 right, in a perfect world?

4 A. Yes.

5 Q. You or one of the other officers are
6 suppose to look in the cell in 30 minutes or
7 less, every 30 minutes or less, correct?

8 A. Yes.

9 Q. So if you look in the cell at 10:22,
10 one of the other officers looks in the cell at
11 10:22, then you or another officer has to look
12 in that cell no later than 10:51; is that
13 correct?

14 A. Mathematically speaking yes. We
15 normally do tours on the double zeros and the
16 30s.

17 Q. That is your understanding of what you
18 are suppose to do under the policy; is that
19 right?

20 A. Half hour.

21 Q. Has anyone ever -- well, all right.
22 Sitting here today do you know when you were
23 going to do your next tour?

24 A. 11 o'clock.

James Young

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1 Q. You know that for a fact?

2 A. That is usually how we try to keep it.

3 Q. So your explanation for why you and
4 Officer Moody were sitting at the podium
5 despite the fact that there had been at that
6 point 35 minutes since the last check, you
7 didn't think you were responsible to do another
8 check until 11 a.m., correct?

9 A. Negative.

10 Q. What did I get wrong?

11 A. I don't know when the last tour was
12 done. Who went to chow during that time?
13 Someone was breaking us, correct, there is a
14 red headed person I see on the block.

15 Q. Let me do this, sir. Do you have any
16 reason to doubt the timeline that is outlined
17 in Mr. Onisick's report?

18 A. I don't think so.

19 Q. Have you watched the video yourself?

20 A. Yes, yeah, that is what we've just
21 seen.

22 Q. You knew you were going to be
23 questioned about this today, right?

24 A. Yes.

James Young

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1 A. Yes.

2 Q. So when should the next tour be logged
3 if one was logged at 10:09?

4 A. 10:39.

5 Q. Do you see one there?

6 A. I do not.

7 Q. Do you have any explanation for why it
8 is not?

9 A. Because at 10:45 the yard comes in.

10 Q. So what are you suppose to do in that
11 situation?

12 A. Bring the yard in, then do a tour.

13 Q. Is it your understanding that your
14 supervisors would be fine with that, conducting
15 a tour more than 30 minutes because of the yard
16 situation?

17 A. I don't know what they would be okay
18 with.

19 Q. Has anyone ever raised that with you,
20 that hey, look Officer Young if you are going
21 to be bringing people in from the yard make
22 sure you conduct your tours in such a way that
23 you are doing it within every 30 minutes?

24 A. Not every day somebody rips their veins

James Young

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1 out of their arms either.

2 Q. That is not in response to my question,
3 sir.

4 A. I understand, but that was the
5 circumstance for that day. Nine years on that
6 unit I've never experienced that, so.

7 Q. Is there a reason why you are not
8 answering my question?

9 A. Can you repeat the question?

10 MR. FEINBERG: Linda, would you
11 mind reading back my last question?

12 (Whereupon the court reporter read
13 back from the record.)

14 BY MR. FEINBERG:

15 Q. Can you answer the question, sir?

16 A. I have to do tours every 30 minutes to
17 bring the yard in.

18 Q. Has anyone ever told you, Officer
19 Young, that you should schedule your morning so
20 that you make sure you are conducting your
21 tours every 30 minutes regardless of what
22 happens with the yard?

23 A. Negative.

24 Q. Since we were on that video before, do

James Young

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1 A. I do not know if they located anything.

2 I know the detectives had that in a Ziploc bag.

3 Q. Had you ever seen anyone break a cup

4 like that in the past?

5 A. No.

6 Q. I want to talk again about the inmate

7 monitors, specifically Mr. Caldwell. The form

8 that Mr. Caldwell filled out, I will start at

9 the top of the second page. First of all, do

10 you see Exhibit 9 in front of you?

11 A. Yes.

12 Q. Do you see there is a bunch of

13 references here or abbreviations it looks like

14 everyone, says LF from 8 a.m. to 10:45 a.m.

15 A. Yes.

16 Q. Do you know off the top of your head

17 what LF means on these forms?

18 A. L I think is in the cell, I forget what

19 F is.

20 Q. I will show you, L at the top says in

21 cell as you said, and F means sleeping; is that

22 right?

23 A. Yes.

24 Q. So would you agree that according to

James Young

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1 Mr. Caldwell, I will highlight his name here,
2 the inmate monitor, between 8 a.m. and 10:45
3 a.m., Mr. Freitag was in his cell and sleeping
4 between 8 a.m. and 10:45 a.m. Would you agree?

5 A. Yes.

6 Q. Do you know whether that is true?

7 A. No, I don't recall any of that.

8 Q. Do you remember ever looking at this
9 form?

10 A. This form?

11 Q. Yes.

12 A. Two years ago.

13 Q. Do you remember saying at any point at
14 that time this form is wrong, it is false?

15 A. Negative.

16 Q. I am going to show you some additional
17 video. So do you see video in front of you,
18 start time at 8:13?

19 A. Yes.

20 Q. I am fast forwarding ahead to about 59
21 minutes. At 58:39 do you see someone coming
22 out of the cell 3 there?

23 A. Yes.

24 Q. If we do simple math, 8:13 a.m. 58

James Young

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1 minutes forward that takes us to about 9:11,

2 9:12 a.m., do you agree?

3 A. Yes.

4 Q. So I am going to play that on high

5 speed here, that is Mr. Freitag walking out at

6 58:46. Do you recognize him, sir?

7 A. Negative.

8 Q. You don't recognize him at all?

9 A. Negative.

10 Q. Any reason to dispute that is him?

11 A. Negative.

12 Q. I am playing this on fast motion, and

13 you see as the video ends one hour in from

14 8:13, so 9:13 a.m. Mr. Freitag is in line for

15 his medication, would you agree?

16 A. Correct.

17 Q. Close that up. Next video starts at

18 9:13 a.m. Do you have that in front of you

19 now?

20 A. Yes.

21 Q. Would you agree even though we might

22 have a different file or just looking at the

23 same image, you agree?

24 A. Yes.

James Young

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1 Q. Mr. Freitag is still in line at
2 medical; is that right?

3 A. Appears, yes.

4 Q. The officer who is walking towards Mr.
5 Freitag although not looking at him is Officer
6 Moody, correct?

7 A. Appears, yes.

8 Q. There is another officer in the front
9 of the line, it may be difficult for you to
10 see, a black male. Do you know who that is?

11 A. Negative.

12 Q. I am going to continue playing, and we
13 will watch Mr. Freitag, he is in line getting
14 medications; is that correct?

15 A. Appears, yes.

16 Q. Just shy of two minutes in, so 9:15
17 a.m., give or take, Mr. Freitag is at the front
18 getting his medication, would you agree?

19 A. Yes.

20 Q. Now at 2:18, so at 16, 9:17 a.m. Mr.
21 Freitag is walking back into his cell. Do you
22 see that?

23 A. Yes.

24 Q. Can we agree that based on the video

James Young

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1 that you have seen that Mr. Freitag between
2 let's say 9:12 and 9:16 was in line waiting for
3 medicine?

4 A. Yes.

5 Q. If that is the case, can you agree that
6 the inmate monitor form which says at 9:15 --
7 by the way, can you see that in front of you
8 now?

9 A. Yes.

10 Q. I've highlighted 9:15. According to
11 the inmate monitor form Mr. Freitag is in his
12 cell sleeping, that is what it says, correct?

13 A. Yes.

14 Q. That is not true, correct?

15 A. Correct.

16 Q. Would you agree that a false statement
17 under the inmate monitor form is a problem?

18 A. Yes.

19 Q. Have you ever noticed that before in
20 connection with Mr. Freitag's case?

21 A. Negative.

22 Q. Would you agree that it is your
23 responsibility as the module officer to ensure
24 that the inmate monitor is actually making

James Young

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1 observations and they are recording them on the
2 form?

3 A. Yes.

4 Q. Do you have any explanation for why you
5 did not do that until today, December 23, 2020,
6 two plus years later, that there was a serious
7 inaccuracy on this form?

8 A. Yes.

9 Q. What is your explanation?

10 A. I don't know.

11 Q. My question was do you have any
12 explanation and your answer is no, you don't;
13 is that correct?

14 A. My explanation is, I guess who is it
15 you just, Caldwell?

16 Q. Right.

17 A. That was \$3 a day not well spent.

18 Q. Well, how much do you make a day?

19 A. \$3.

20 Q. Is that right?

21 A. I don't know, my wife takes it all.

22 Q. Is that money they paid you that day
23 well spent?

24 A. I don't know.

James Young

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1 Q. Were you doing your job?

2 A. Yes.

3 Q. Your testimony, sir, is that the job
4 you did on August 25, 2018 was perfectly
5 satisfactory even though Mr. Caldwell was
6 writing falsehoods on an inmate monitor form;
7 is that correct?

8 A. Yes.

9 Q. Do you have any idea whether Mr.
10 Caldwell looked at Mr. Freitag's cell at 9:30
11 a.m.?

12 A. Negative.

13 Q. Do you have any idea whether Mr.
14 Caldwell looked at Mr. Freitag's cell at 9:45
15 a.m.?

16 A. I do not recall, and that is negative.

17 Q. Do you have any idea whether Mr.
18 Caldwell looked in Mr. Freitag's cell at 10:00
19 a.m.?

20 A. No.

21 Q. Do you have any idea whether Mr.
22 Caldwell looked at Mr. Freitag's cell at 10:15
23 a.m.?

24 A. No.

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1 Q. Do you have any idea whether Mr.
2 Caldwell looked at Mr. Freitag's cell at 10:30
3 a.m.?

4 A. No.

5 Q. Do you have any idea whether Mr.
6 Caldwell looked in Mr. Freitag's cell at 10:45
7 a.m.?

8 A. No.

9 Q. I am going to show you one more time
10 Mr. Bochenek's report, I may not have shown
11 this to you before, this is Exhibit 10.

12 (Whereupon incident report was
13 premarked for identification as P-10.)

14 BY MR. FEINBERG:

15 Q. Do you have that in front of you, sir?

16 A. Yes.

17 Q. Do you see this is a report dated
18 10/24/19. Mr. Bochenek wrote on that day, I am
19 highlighting two sentences for you in the
20 second paragraph from the bottom and I am going
21 to read them into the record. In a follow-up
22 investigation, this is time period October
23 2019, 14 months after Mr. Freitag's incident,
24 it was learned there was no level 3 watch sheet

James Young

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1 prepared. In reviewing the video there was no
2 inmate monitor observed checking on the inmate.

3 Do you understand what I have just read?

4 A. Yes.

5 Q. Do you have any reason to dispute the
6 fact that Mr. Bochenek concluded that there was
7 no inmate monitor looking at Mr. Freitag's cell
8 in that critical time period on the morning of
9 August 24th?

10 A. No.

11 Q. Do you have any explanation once again
12 for why there was no inmate monitor looking at
13 Mr. Freitag's cell that morning?

14 A. No.

15 Q. One other question about this
16 memorandum, without reading the whole thing,
17 sir, this memorandum concerned a follow-up
18 investigation about the situation concerning
19 Mr. Freitag, and there was some question about
20 whether the watch had been communicated to the
21 module officers. Do you understand that, sir?

22 A. Yes.

23 Q. We already established the fact that
24 there was an inmate monitor form prepared

James Young

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1 suggests that the module was, in fact,
2 notified, would you agree?

3 A. No, didn't he have -- what was that you
4 were showing me before, the monitor form, what
5 monitor form was he showing that was not there?

6 Q. Sir, I think you misunderstood my
7 question. Do you remember how we described
8 that if an inmate monitor form had been
9 prepared by someone noting level 3, that means
10 the module officers knew level 3 monitor,
11 right?

12 A. Which is a regular watch, correct?

13 Q. You tell me?

14 A. Yes.

15 Q. Do you agree, sir?

16 A. Yes.

17 Q. There is a statement here that the
18 assigned module officers were not available for
19 an interview. I take it that refers to you and
20 Officer Moody, but I don't know because I
21 haven't asked Mr. Bochenek. My question for
22 you is, do you remember in October of 2019
23 anyone reaching out to you and asking you
24 questions about what happened back in August of

James Young

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1 2018 concerning this inmate?

2 A. I do not recall that.

3 Q. Let's go off the record for just a
4 minute.

5 (Whereupon a discussion was held
6 off the record.)

7 BY MR. FEINBERG:

8 Q. Mr. Young, are you ready to go back on
9 the record?

10 A. Yes.

11 Q. We took a short break, our first break
12 after quite a while. Did you realize during
13 the break that any of your previous testimony
14 was incorrect or incomplete?

15 A. Negative.

16 Q. Just a final set of questions for you
17 very briefly. At the beginning of the
18 deposition I asked you whether anyone could
19 have done something differently to prevent Mr.
20 Freitag's death, do you remember that question?

21 A. Yes.

22 Q. Your answer was the only person that
23 could do something different was Mr. Freitag,
24 he could have not gotten locked up, correct?

James Young

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1 A. Right.

2 Q. Anything about today's questions, the
3 documents we reviewed, the video we've looked
4 at, did that change your conclusion at all?

5 A. Negative.

6 Q. In your judgment there is nothing that
7 you could have done differently to prevent Mr.
8 Freitag's death; is that right?

9 A. Correct.

10 Q. There is nothing that any of your
11 colleagues, any of your follow officers could
12 have done to prevent Mr. Freitag's death; is
13 that right?

14 A. Correct.

15 Q. I have nothing further for you.

16 MR. NINOSKY: No questions.

17 COURT REPORTER: Does everyone want
18 a copy of the transcripts?

19 MR. KOLANSKY: I will take a
20 transcript.

21 MR. NINOSKY: Me too.

22 -----

23 (Witness excused.)

24 (Deposition concluded at 1:58 p.m.)